

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

BEATRIZ PAZ and ABIGAIL POLO,

Plaintiff,

-VS-

WEST 44<sup>th</sup> STREET RESTAURANT LLC d/b/a  
KELLARI TAVERNA, DIMITRIOS  
HARONITIS, JESSICA JACKSON and  
STAVROS AKTIPIS,

Defendants.

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14 Civ. 1566 (CM) (GWG)

**STIPULATION AND ORDER OF FINAL DISMISSAL WITH PREJUDICE**

1. WHEREAS, this Stipulation and Order of Final Dismissal with Prejudice ("Stipulation") is entered into between Plaintiffs Beatriz Paz and Abigail Polo (collectively, "Plaintiffs") and Defendants West 44<sup>th</sup> Street Restaurant LLC d/b/a Kellari Taverna ("Kellari"), Dimitrios Haronitis, Jessica Jackson and Stavros Aktipis (collectively, "Defendants"), by and through their undersigned counsel of record;

2. WHEREAS, Plaintiffs, former employees of Kellari, commenced this action on or about March 7, 2014, seeking damages for alleged unpaid overtime and minimum wages pursuant to the Fair Labor Standards Act ("FLSA") and New York Labor Law ("NYLL");

3. WHEREAS, the parties dispute whether Plaintiffs were properly classified by Kellari as tipped employees and whether Kellari paid Plaintiffs the appropriate minimum wage rate;

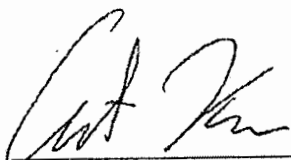
4. WHEREAS, the parties dispute whether Plaintiffs were paid the proper overtime rate;

5. WHEREAS, the parties have negotiated and entered into a Negotiated Settlement Agreement & General Release which they believe constitutes a full and fair settlement of the claims raised by Plaintiffs in this lawsuit or that could have been raised by Plaintiffs in this lawsuit of any nature whatsoever, taking into account the allegations asserted by Plaintiffs and the defenses asserted by Defendants; and

6. This Court, having considered and inspected the Negotiated Settlement Agreement & General Release between the parties in the above-captioned action, IT IS HEREBY ORDERED that: (1) the settlement is approved; and (2) the above-captioned action is hereby dismissed in its entirety, with prejudice, and with no award of attorneys' fees or costs by the Court to any party.

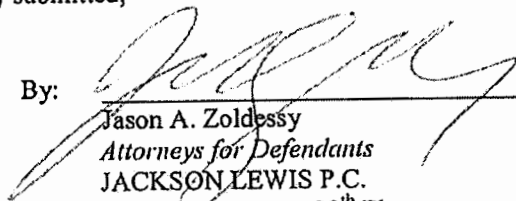
Respectfully submitted,

By:



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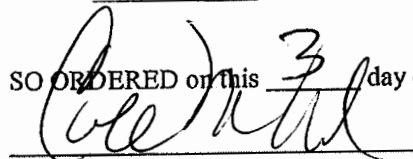


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Dated: 9/25, 2014

Dated: Oct. 2, 2014

SO ORDERED on this 3 day of October, 2014.



Hon. Colleen McMahon  
United States District Judge